IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7302 OF 2007

Pune Municipal Transport] .. Petitioner

Versus

1. The State of Maharashtra & anr.] .. Respondents

Mr. R.G. Ketkar for the petitioner.

Mr. A.H. Palekar, AGP, for the respondents.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 03RD OCTOBER, 2007

P.C. :

1. Heard learned counsel for the petitioner.

2. By this Petition, the petitioner challenges the decision of the Government communicated by it's letter dated 19th July, 2007, rejecting the petitioner's application for exemption under Section 22 of the Bombay Labour Welfare Fund Act, 1953 (for short "the Act"). The petitioner claimed exemption from payment of the contributions under the Act on the ground of hardship. As the application by the petitioner was not considered, the petitioner filed Writ Petition No.4843 of 2006 whereupon the Court directed the Government to decide

the petitioner's application within eight weeks. In pursuance thereof, the Government considered the representations made by the petitioner and by order dated 19th July, 2007, has rejected the same.

3. Learned counsel for the petitioner referred to and relied upon the decision of the Division Bench of this Court in the matter of **O.N.G.C. Vs. Government of Maharashtra** (Writ Petition No.1007 of 2005 decided on 19th July, 2006, Coram: F.I. Rebello & V.K. Tahilramani, JJ). In the said Petition also ONGC claimed similar exemption, but the Court only gave a direction to the parties to appear before the Government on 28th September, 2006 for hearing and directed the State Government to pass appropriate orders thereon. In our view, this case does not further the case of the petitioner at all. Even in the present case, the petitioner had also asked for a similar direction and the Court by similar order dated 12th January, 2007 passed in Writ Petition No.4843 of 2006 had directed the State Government to consider the application and decide it.

4. In our view, no person can claim exemption as a matter of right. It is for the State Government to consider the application for exemption which, in the

present case, has been considered and rejected.

5. We see no error in the decision of the State Government. Writ Petition is, accordingly, rejected summarily.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]